

BYLAWS OF THE BOARD OF VISITORS FOR THE NATIONAL FIRE ACADEMY

ARTICLE I AUTHORITY

As provided for in the *Federal Fire Prevention and Control Act of 1974* [15 United States Code 2206(j)], the Secretary, Department of Homeland Security (DHS), has established the Board of Visitors for the National Fire Academy. The committee shall operate in accordance with the provisions of the *Federal Advisory Committee Act* (FACA) (Title 5, United States Code, Appendix).

ARTICLE II PURPOSE

The Board of Visitors for the National Fire Academy (Board) provides advice and recommendations to the Administrator, Federal Emergency Management Agency (FEMA), through the United States Fire Administrator on the operation of the Academy and any improvements therein that the Board deems appropriate.

ARTICLE III MEMBERSHIP AND MEMBER RESPONSIBILITIES

- Section 1. Composition. The Board shall be composed of eight (8) members who are appointed based on their expertise, knowledge, and experience in the fields of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management. Members will be appointed as Special Government Employees (SGE) as defined in section 202(a) of Title 18, United States Code.
- Section 2. Appointment. Members of the Board are appointed by and serve at the pleasure of the Secretary, DHS, upon the recommendation of the Administrator, FEMA. Appointments are personal to the member and cannot be transferred to another individual. Members may not designate someone to attend in their stead, participate in discussions, or vote.
- Section 3. Terms of Office. Members of the Board shall be appointed for terms of up to three (3) years, and members may be reappointed to subsequent terms. In order to provide for continuity of member participation, terms are staggered. Unless there are vacancies for reasons other than term expiration, no more than half of the members shall be replaced (or reappointed) in any given year. A member appointed to fill an unexpired term shall serve the remainder of that term. In the event the Board terminates, all appointments to the committee shall terminate.
- Section 4. Certification of Non-Lobbyist Status. All members of the Board must annually self-certify that they are not registered lobbyists under the *Lobbying Disclosure Act*, 2 United States Code, section 1603, and must advise the DHS if they register as a lobbyist while serving on the Board. Members who register as a lobbyist

after their appointment or reappointment will be replaced on the committee. Members appointed to the Board prior to June 18, 2010, who are registered lobbyists, are permitted to serve the remainder of their term of office. Candidates for appointment must self-certify that they are not registered lobbyists under the *Lobbying Disclosure Act*. The Designated Federal Officer (DFO) will assure that candidates for appointment are not lobbyists registered under the *Lobbying Disclosure Act*.

Section 5. Members' Responsibilities. Because the membership of the Board is constructed to balance as many aspects and viewpoints of the industry as possible, member attendance and participation at meetings is vital. Members are expected to personally attend and participate at committee meetings. The Administrator, FEMA, shall recommend to the Secretary, DHS, that any member who is unable to fulfill their responsibility be replaced on the committee.

Members of the Board may be recommended for removal for reasons such as, but not limited to:

- a. Missing two consecutive meetings, or not participating in the committee's work;
- b. Registering as a lobbyist after appointment;
- c. Engaging in activities that are illegal or violate the restrictions on members' activities as outlined below.

Section 6. Restriction on Members' Activities.

- a. Members may not use their access to the Federal Government as a member of this committee for the purpose of soliciting business or otherwise seeking economic advantage for themselves or their companies. Members may not use any non-public information obtained in the course of their duties as a member for personal gain or for that of their company or employer. Members must hold any non-public information in confidence.
- b. The committee as a whole may advise the agency on legislation or recommend legislative action. In their capacities as members of the Board, individual members may not petition or lobby Congress for or against particular legislation or encourage others to do so.
- c. Members of the Board are advisors to the agency and have no authority to speak for the committee, the Administrator, FEMA, or for the Department outside the committee structure.
- d. Members may not testify before Congress in their capacity as a member of the Board. If requested to testify before Congress, members of the Board:
 1. Cannot represent or speak for the committee, DHS, any agency, or the Administration in their testimony;
 2. Cannot provide information or comment on committee recommendations that are not yet publicly available;
 3. May state they are a member of the committee; and,
 4. May speak to their personal observations as to their service on the committee.

- e. If speaking outside the committee structure at other forums or meetings, the restrictions in section d. also apply.

ARTICLE IV Officials

Section 1. Chairperson and Vice Chairperson. The Board, at its first organizational meeting of each Federal fiscal year, shall select from among its members a Chairperson and a Vice Chairperson. These officers will serve for the ensuing year and may serve successive terms. The Chairperson is the presiding officer of the Board and guides its efforts to the effective completion of its assigned tasks. The Chairperson provides leadership as the Board adopts, maintains order, and conducts each meeting in accordance with the prescribed rules and procedures. The Vice Chairperson shall assume the duties and responsibilities of the Chairperson in the absence of the Chairperson. In the absence of both the Chairperson and the Vice Chairperson, the DFO is responsible for chairing the meeting with the first order of business to select a Chairperson pro tem from the Board members present.

Section 2. Designated Federal Officer: The DFO serves as the Department's agent for all matters related to the Board and is appointed by the Administrator, FEMA. In accordance with the provisions of the FACA, the DFO must:

- a. Approve or call meetings of the committee and its subcommittees;
- b. Approve agendas for committee and subcommittee meetings;
- c. Attend all meetings;
- d. Adjourn meetings when such adjournment is in the public interest; and,
- e., Chair meetings of the committee when directed to do so by the Administrator, FEMA.

In addition, the DFO is responsible for assuring administrative support functions are performed, including the following:

- a. Notifying members of the time and place of each meeting;
- b. Tracking all recommendations of the committee;
- c. Maintaining the record of members' attendance;
- d. Preparing the minutes of all meetings of the Board's deliberations, including subcommittee and working group activities;
- e. Attending to official correspondence;
- f. Maintaining official records and filing all papers and submissions prepared for or by the committee, including those items generated by subcommittees and working groups;
- g. Reviewing and updating information on committee activities in the Shared Management System (aka, FACA Database) on a monthly basis;
- h. Acting as the Board's agent to collect, validate and pay all vouchers for pre-approved expenditures; and
- i. Preparing and handling all reports, including the annual report as required by FACA.

ARTICLE V MEETING PROCEDURES

- Section 1. Meeting Schedule and Call of Meetings. Depending on funding availability and scheduling considerations, the Board shall meet as often as needed to fulfill its mission, but not less than twice each Federal fiscal year to address its objectives and duties. The DFO or Alternative DFO shall approve or call Board meetings, approve meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Administrator, FEMA.
- Section 2. Agenda. The agenda is developed by the DFO in consultation with the Board Chair. The DFO is responsible for approving meeting agendas for all committee and subcommittee meetings, distributing the agenda to members prior to the meeting, and publishing the agenda in the *Federal Register* a minimum of 15 calendar days in advance of the meeting date.
- Section 3. Quorum. A quorum consisting of fifty percent plus one of the Board members is required to vote on issues being addressed.
- Section 4. Voting Procedures. The Board shall vote on recommendations in meetings open to the public. Prior to any vote, any member may request a discussion which may be held according to guidance from the Chair. A voice vote from members joining the meeting electronically is acceptable. Proxy ballots are not acceptable. The results of any vote will be announced by the Chair and recorded in the minutes.
- Section 5. Minutes. The DFO will prepare the minutes of each meeting and distribute copies to each committee member. Minutes of open meetings are available to the public upon request. They are available from the Office of the Superintendent, National Fire Academy, 16825 South Seton Avenue, Emmitsburg, Maryland 21727 and they are also available on the National Fire Academy website at <http://www.usfa.fema.gov/nfa/about/bov.shtml>. Minutes of closed meetings will also be available to the public upon request subject to the withholding of matters about which public disclosure would be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the *Freedom of Information Act*.

The minutes will include a record of:

- a. The time, date, and place of the meeting;
- b. A list of all attendees including members, staff and the public;
- c. An accurate description of each matter discussed and the resolution, if any, made by the committee;
- d. Copies of reports or other documents received, issued, or approved by the committee; and
- e. An accurate description of public participation, including oral and written statements provided.

The DFO assures that the Chair certifies the minutes within 90 calendar days of the meeting to which they relate.

Section 6. Open Meetings. Unless otherwise determined in advance, all meetings of the Board shall be open and announced to the public in a notice published in the Federal Register at least fifteen calendar days before the meeting. Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may offer oral comment at such meeting. Meetings will include a period for oral comments unless it is clearly inappropriate to do so. Members of the public may submit written statements to the Board at any time. All materials provided to the committee shall be available to the public when they are provided to the members. Such materials, including any submissions by members of the public, are part of the meeting record.

Section 7 Closed Meetings. All or parts of meetings of the Board shall be closed in limited circumstances and in accordance with applicable law. No meeting shall be partially or fully closed unless the component head issues a written determination that there is justification for closure under the provisions of subsection (c) of 5 United States Code, 552b, the *Government in the Sunshine Act* (Sunshine Act). Where the DFO has determined in advance that discussions during a committee meeting will involve matters about which public disclosure would be harmful to the interests of the Government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the *Government in the Sunshine Act*, will be published in the *Federal Register*. The notice shall announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the DFO or Chairperson will order such discussion to cease and will schedule it for a future meeting of the committee that will be approved for closure. No meeting or portion of a meeting shall be closed without prior approval and notice published in the *Federal Register* at least 15 calendar days in advance. Closed meetings can only be attended by DFO, committee members, and necessary agency staff members. Presenters must leave immediately after giving their presentations and answering any questions.

ARTICLE VI EXPENSES AND REIMBURSEMENTS

In accordance with the authorizing statute, the members of the Board shall not be compensated for their services but shall be reimbursed (including travel and per diem) for appropriate and permitted expenses actually incurred in the performance of their duties as members of the Board. The expenditures for the Board activities are approved in advance by the DFO and processed through the Budget Office, Management, Operations & Support Services.

ARTICLE VII ADMINISTRATION

The DHS is responsible for providing financial and administrative support to the Board. Within DHS, the Office of the Superintendent, National Fire Academy, FEMA, provides this support.

ARTICLE VIII SUBCOMMITTEES

The DFO may establish subcommittees for any purpose that is consistent with the Board's charter. To the extent practical, subcommittees of the Board shall be composed of members of the Board. If that is not feasible, at least some members, including the Chairperson of the subcommittee, must be members of the Board. Such subcommittees may not work independently of the chartered committee and must present their work to the Board for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Board and may not report directly to the Federal Government or any other entity. Subcommittee members will be selected by the DFO from the fire service and/or public. Subcommittee members are selected based on their expertise, knowledge, and experience relevant to the tasking and issues assigned to the subcommittee and serve for the duration of the subcommittee or until he or she resigns or is replaced by the DFO.

ARTICLE IX RECORDKEEPING

The records of the Board, formally and informally established subcommittees or other subgroups of the committees, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, in accordance with the *Freedom of Information Act* (Title 5, United States Code Section 552).

ARTICLE X RECOMMENDATIONS AND REPORTING

The Board shall provide advice, recommendations, and submit its annual report through the United States Fire Administrator to the Administrator, FEMA, regarding the operation of the National Fire Academy and any improvements therein that the Board deems appropriate. The Board shall make interim recommendations to the Administrator, FEMA, through the United States Fire Administrator, whenever there is an indicated urgency to do so in fulfilling its duties. The interim recommendations shall be voted on by the Board and will be submitted by memo at the direction of the Chair.

ARTICLE XI BYLAWS APPROVAL AND AMENDMENTS

The DFO may amend these bylaws at any time, and the amendments shall become effective immediately upon approval.



Glenn A. Gaines
Designated Federal Officer

Date approved: May 18, 2012